

# Arent Fox

September 9, 2010

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, DC 20554

**Alan G. Fishel**

Attorney  
202.857.6450 DIRECT  
202.857.6395 FAX  
fishel.alan@arentfox.com

Re: Ex Parte Communication, CC Docket No. 02-6, GN Docket No. 09-51

Dear Ms. Dortch:

On September 8, 2010, on behalf of the Internet2 K20 Initiative, Gary Bachula and Rob Vietzke of Internet 2, and Alan Fishel, counsel for Internet2, met with Zachary Katz, legal advisor for the Chairman. We discussed our views that the Commission should rule that an eligible entity should be able to receive E-rate funding for, among other things, (i) the receipt of lit service from any broadband provider; (ii) the leasing of dark fiber from any broadband provider; and (iii) the lighting of fiber, which the eligible entity already owns or otherwise has control over, by any broadband provider. In addition, we discussed our view that the Commission should rule that eligibility for the provision of dark fiber should not be dependent on where the modulating electronics are located or who owns the modulating electronics.

Respectfully submitted,



Alan G. Fishel